



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Monthly Enforcement Report for actions during March 2014

DISTRIBUTED: April 18, 2014

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Hazardous Waste:

Trustees of Berwick Academy, South Berwick, Maine. The Trustees of Berwick Academy ("Berwick Academy") violated the Department's *Standards for Generators of Hazardous Waste* by: discharging an unknown quantity of hazardous waste, specifically silver-contaminated photographic fixer, to the sanitary sewer system without a permit; failing to determine if wastes are hazardous; failing to label or mark containers of hazardous waste with an accumulation start date and the words "Hazardous Waste"; and storing hazardous waste for more than 90 days. In addition, Berwick Academy violated the Department's rules concerning the *Identification of Hazardous Wastes* by: accumulating more than 200 universal waste items without first notifying the Department or obtaining a U.S. EPA identification number; failing to store universal waste in a clearly marked Universal Waste Storage Area; failing to store universal waste in containers; failing to label or mark containers of universal waste with the words "Waste Lamps" or "Waste PCB Ballasts"; failing to label containers of waste lamps with an accumulation start date and date the container becomes full; failing to immediately transfer or contain wastes and residues from broken universal waste in a sealed container; failing to train all employees who handle or have responsibility for managing universal wastes on proper handling and emergency procedures; and failing to conduct weekly inspections of universal waste storage areas. Subsequent to Department involvement, Berwick Academy indicated that it had taken corrective actions to address the violations. To resolve the violations, Berwick Academy paid \$13,700 as a civil monetary penalty.

Land:

Robert Pelletier, St. Agatha, Maine. Robert Pelletier ("Pelletier") violated Maine's *Natural Resources Protection Act* ("NRPA") by performing, or causing to be performed, filling, bulldozing, and the displacement of soil and vegetation in and adjacent to a protected natural resource, specifically Long Lake, without a permit. Pelletier violated the NRPA and the Department's *Permit By Rule* standards by installing rock rip-rap in excess of two vertical feet above the normal high-water line of Long Lake, and by removing, disturbing, and not re-establishing vegetation upon completion of installing the rip-rap. Pelletier also violated Maine's *Mandatory Shoreland Zoning* law by clearing vegetation within seventy-five feet of the normal



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high-water line of Long Lake and not maintaining a well-distributed stand of vegetation. To resolve the violations, Pelletier agreed to attend a Department Nonpoint Source Training Center workshop and complete a restoration plan. In addition, Pelletier paid \$2,500 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Land:

State of Maine, Department of Environmental Protection v. Patrick Bolduc, Sabattus, Maine. In a Consent Decree and Order entered into by the Department and Patrick Bolduc, and approved by the court, the parties agreed to settle the Department's allegations that Bolduc violated Maine's *Natural Resources Protection Act* ("NRPA") by: filling, dredging and displacing soil, vegetation or other materials, or causing to be filled, dredged and displaced soil, vegetation or materials, in freshwater wetlands and in and adjacent to a stream without first obtaining a NRPA permit from the Department; failing to follow plans approved by the Department as part of a NRPA permit for the filling of freshwater wetlands; and placing, or causing to be placed, fill in a wetland and river, stream, or brook without first obtaining a NRPA permit from the Department. Further, the parties agreed to settle the Department's allegations that Bolduc violated Maine's *Erosion and Sedimentation Control* law by conducting, or causing to be conducted, any activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Specifically, the Department alleged that wetlands had been filled and a stream had been dredged and filled during the construction of a road, and that wetland had been filled in excess of that allowed by a Department-issued permit for the construction of a woods yard related to a forest operations. To resolve the Department's allegations, Bolduc agreed to submit to the Department an after-the-fact application for a NRPA permit to retain portions of the unpermitted fill, or restore the identified areas, and agreed to remove unpermitted fill from other areas. In addition, Bolduc agreed to pay \$10,000 as a civil monetary penalty, according to a payment plan.

State of Maine, Department of Environmental Protection v. Richard Rosenberg, Lincolnville, Maine. In a Default Judgment and Order entered by the court following Richard Rosenberg's ("Rosenberg") failure to appear, the court deemed Rosenberg as having violated Maine's *Natural Resources Protection Act* ("NRPA") by performing or causing to be performed, filling, displacing soil or other materials adjacent to a great pond, and constructing or altering permanent structures in and adjacent to a great pond without first obtaining a permit from the Department. Specifically, the Department alleged that a patio and retaining wall had been



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constructed adjacent to Levenseller Pond, crushed stone and other materials were placed adjacent to the pond, and that soil and other materials were displaced when conducting these activities. In addition, the Department alleged that a portion of a dock and two other barges and/or dock structures had been constructed in, on, or over Levenseller Pond. To resolve the violations, the court ordered Rosenberg to submit to the Department either an after-the-fact application for a NRPA permit or a restoration plan for the patio, retaining wall, and dock and to remove the two barges and/or dock structures from the pond. In addition, Rosenberg was ordered to pay \$4,490 as a civil monetary penalty.